GOVERNMENT OF MYSORE.

(LABOUR DEPARTMENT).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Commonwealth Tile Factory, Malpe and Commonwealth Hosiery Factory, Mangalore.

Award of the Industrial Tribunal, Bangalore, published.

Read the following papers :—

1. Letter No. I.T. No. 1451/62–63, dated the 11—13th December 1962, from Sri S. S. Malimath, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 11th December 1962.

Present :

Sri S. S. Malimath, B.A., LL.B. ... Presiding Officer.

I. D. No. 53 of 1960.

Workers of—(1) Commonwealth Tile Factory, Malpe, (2) Commonwealth Hosiery Factory, Mangalore, Represented by—The Secretary, South Kanara General Labour Union, Felix Pai Bazaar, Mangalore ... *1st Party.*

Managements of—(1) Commonwealth Tile Factory at Malpe, (2) Commonwealth Hosiery factory at Mangalore ... ... *2nd Party.*

AWARD.

This case has been referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of Mysore, in their Order No. LLH 315 LLD 60, dated 21st December 1960.

2. The damands made by the I Party are to be found in the copy of the letter, dated 8th April 1960 from the Union to the Labour Officer, Mangalore. The I Party claims payment of bonus at 25 per cent on the total earnings for the year 1958-59. This claim is made against two factories viz., Tile factory at Malpe and Hosiery factory at Mangalore, both belonging to the Commonwealth Trust Ltd.

3. The common Rejoinder, dated 21st February 1961, has been put in by the Commonwealth Trust, Ltd., denying the claim of the Union. It is contented by them that the Head Office of the II Party is at Calicut and also that they have some other Tile factories and Handloom Weaving factories in the State of Kerala. According to them, one Profit and Loss Account and balance sheet for the whole company is drawn. There are no separate Profit and Loss accounts for individual units. According to this balance sheet there is no available surplus, but there is a deficit. Hence, the claim is untenable.

4. On these pleadings the following issues were framed by me on 28th August 1961 :—

"I. Is the I Party entitled to get Bonus for the year 1958-59 at the rate of 25 per cent of the total earnings of the II Party or any lesser amount ? ,

II. Does the II Party prove that there was deficit during the year 1958-59 ?

III. To what relief are the workmen entitled ?"

5. On 12th February 1962 this case was taken up along with I. D. No. 42 of 1960, and Mr. Salins, the Chief Accountant of the II Party was partly examined at Mangalore camp, and the case had to be adjourned. On 5th December 1962 when the case was again taken up for further evidence at Mangalore camp, a Joint Memo of settlement was put in by the parties stating that " the dispute may be treated as settled out of court and withdrawn ". They further pray that an award may be passed on the basis of this settlement. This memo is signed by Sri D. Mohan Rao, President of the South Kanara General Labour Union and also by the General Manager of the II Party, Mr. J. G. Gill.

6. The statement prepared on the basis of the principles of the Bonus Formula for the year ended 13th September 1959 has been produced at Ext. M5 in I.D. No. 42 of 1960. It shows that there was a net profit of of Rs. 3,16,824 during that year and making allowances for depreciation, income-tax etc., and also for dividend on paid up capital for India at 6 per cent, it was found that there would be a deficit of Rs. 1,06,704. Hence it is clear that there will be no available surplus. The result is that the I Party fails to prove its contention. The Reference is directed to be dismissed. Parties should bear their own costs. I pass an award accordingly.

S. S. MALIMATH,
Presiding Officer,
Industrial Tribunal.

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ORDER NO. PLM 315 LLD 60, DATED BANGALORE, THE 27TH DECEMBER 1962.

WHEREAS by State Government Order No. LLH 315 LLD 60, dated 21st December 1960, the Industrial Dispute between the Workmen and the Management of Commonwealth Tile Factory, Malpe and Commonwealth Hosiry Factory, Mangalore was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND, WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

By Order and in the name of the Governor of Mysore,

B. N. RAMA RAO,

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Under Secretary to Government,
Public Health, Labour and Municipal Administration Department.